

ARTICLE_HUMAN RIGHTS AND VIOLENT EXTREMISM

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TACKLING YOUTH RADICALIZATION THROUGH INCLUSION IN POST-REVOLUTIONARY TUNISIA



Maghreb Economic Forum

ARTICLE

The Preservation of Human Rights is Integral to Combating Violent Extremism

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The general argument says, “nothing in nature exists in isolation”. Therefore, we cannot prevent, counter and/or mitigate extremism and violent extremism without taking into consideration the importance of human rights.

Preserving our fundamental rights is a quest that concerns all nations. Regardless, of Hobbs’ description of mankind at their State of Nature that entails violence and brutality, and his thoughts on the importance of State monopoly on violence to prevent “the war of all against all”. It is vital to understand that for the sake of safeguarding world peace and social harmony and coherence, we must protect our shared values that include the right to life, security and liberty. Freedom from slavery and torture as well as the right to prosperity and the freedom of being oneself. And that is the real manifestation of humanity at its State of Nature.

Radical Movements and Human Rights Violation.

Extreme movements are established on the ideology of exclusion, which inevitably violates values like independence, diversity, equality, fairness and dignity. This fanatic idea, of excluding the *other* who is deemed as a threat to their orthodox values, is jeopardizing the narrative of social existence. Violent extremists tend to foster exclusion by advocating for the dualism of “*us versus them*” as well as the use of violence as a justified means for addressing individuals who oppose their ideals and beliefs.

Extreme movements reject integrity and the human capacity to endorse empathy. Extremists tend to exercise violence to maintain control over personal beliefs and thoughts. They try to overpower our own choices in life and to pave our paths for us. And, when we dare to ask questions, they censor the answers we need.

Therefore, the difference between a violent extremist organization and a State is that the latter shall be the ultimate guarantor of human rights and civil liberties.

The Threat of Violent Extremism and The Birth of New Laws.

The wave of extremism is threatening the stability of many nations around the world; Tunisia, for instance, has been threatened by the rise of radicalization and violent extremism since 2011. Throughout the post-revolutionary phase, Tunisia has witnessed horrendous attacks that targeted its political, social and economic security, which led the Tunisian authorities to draft a new anti-terrorism and money laundering law and to adopt new procedures, especially after international stakeholders and actors have pressured the government to move forward with its mission to counter extremism and violent extremism.

The new anti-terrorism and money laundering law is, by all means, a controversial legal document. The document lacks established definitions; terms such as “Terrorist Crime” is not as detailed as it should be. The ambiguity of terminology could create further legal complications that could affect civil liberties and violate human rights. For instance, according to the [Anti-terrorism](#)¹ and money laundering law of June 2015 “[...] *An individual is labeled terrorist when they knowingly use violence against an internationally protected person. The form of violence shall conform with article 218 and 319 of the Penal Code [...]*” (Anti-Terrorism and Money Laundering Law, 2015).

Despite the attempt to further explain the act of violence by referring to the Tunisian [Penal Code](#) the legal text still lacks detailed description of the types and forms of violence (Tunisian Penal Code, 1988). This vagueness is due to the limited scope of the original text in the Penal Code, which defined the act of violence as mainly inflicting injuries that could or could not impose a threat on life of the offended individual. Thus, the Tunisian Penal Code should be amended for being outdated and for the lack of sufficient legal explanation.

Additionally, the use of the word “*Knowingly*” implies that the aggressor should be aware of the identity of the victim and, therefore, to be fully aware that they are assaulting an *internationally protected person*. Now, there is no reference in the text to whether Tunisian legislators used this term based on the UN resolution of 1973 entitled [Protection of Diplomats Convention](#). However, according to the UN resolution to call an individual “an internationally protected person” means that they should be head of States, foreign ministers, ambassadors, other official diplomats and the member of their families. Now, the terminology does not impose any problem since the UN resolution has thoroughly explained the identity of the individuals concerned with this convention. However, the possibility of conviction is left to assumptions and speculations.

Proving that the aggressor has knowingly assaulted the victim is hard to achieve because there is no tangible evidence. Therefore, proving someone guilty of knowing the person they committed violence against demands a great deal of detail. For instance, suppose in a car accident the internationally protected person has died or had been left with minor or grave injuries, and the civilian suspect has been put to trial. In this case, the equivocal nature of the legal text will open doors for interpretation that would, eventually, lead to legal complications. For instance, it could lead to the conviction of an innocent individual. The internationally protected person enjoys diplomatic immunity as well as diplomatic privileges which could influence the process of the trial. Giving the nature of the current judicial system, the abuse of power could easily penetrate the emerging justice system. Therefore, the absence of justice is indeed a human right violation for that everyone is entitled to a fair trial.

This law has, as well, proven to be a threat on Freedom of Press and Scientific Freedom [*It is the freedom to choose research topics, to ask questions and to use methods and to choose materials to find answers*].

According to the article [N°37](#)² “*A person shall be considered a perpetrator of a terrorist crime when they do not share information with the authorities, regardless of whether they enjoy professional secrecy or not, and they shall*

¹ Visit page 5 of the Anti-terrorism and Money Laundering Law Tunisia

² visit page 10 of the Tunisian Anti-terrorism and Money Laundering Law.

be sentenced one to five years in prison and fined five thousand dinars to ten thousand dinars. The aforementioned provisions exclude parents, children and spouse. As well as, doctors and lawyers who according to their job requirements might possess information about their clients and they cannot disclose it because of professional secrecy. [...]"

This article has excluded journalists and researchers even though they have professional secrecy that morally and legally bind them to protect the confidentiality of their sources.

Investigative journalism is a form of journalism that requires direct contact with individuals of interest. Therefore, when a journalist is investigating a topic related to terrorist crimes, they would most likely have contact with individuals suspected of terrorism. For that reason, they must be protected by law. Freedom of press is fundamental for maintaining and preserving democracy, thus, as an emerging democratic country, Tunisia should protect freedom of expression.

For academic purposes, researchers might use different methods to collect data and analyze problematic issues. When conducting a research related to radicalization and extremism, researchers would be reaching out to individuals involved in this matter. And, by academic ethical protocols, the private information of the individuals interviewed should be protected. Therefore, researchers should be provided with legal protection, since their main purpose of researching is to inform policy makers as to what strategies are effective for addressing radicalization and extremism."

Journalists and researchers should be protected by the provisions of this law. It is the only way for the State to secure freedom of press as well as scientific freedom.

Another matter that must be put on the table for discussion is the absence of any age consideration. Throughout this legal document there is no exception to the individuals, who by the UN conventions, are considered children and therefore should be treated differently.

Some of the provisions of this law are extreme, and some terrorist crimes warrant death penalties or long terms in prison. However, there is no exception to when the suspect of the terrorist crime is legally underage to be prosecuted as an adult and to be fully held responsible of crimes such as glorifying and praising terrorism.

Therefore, the Anti-terrorism law should be amended to include new provisions that take into consideration the age of the suspect and, therefore, preserve rights of children and insure access to rehabilitation and reintegration programs.

On another note, the Anti-terrorism law granted Tunisian authorities the power to adopt procedures for border security that control the movements of certain individuals within the country and prohibit those individuals from traveling outside of the country. These border security measures are entitled "S17", an illegal document that has no legislative base, which restricts the movements of people suspected to have committed or have the intention to commit one of the crimes listed in the Anti-terrorism and money laundering law. This procedure has aided the Tunisian authorities in restricting the movement of individuals wanted in terrorist crimes. Nonetheless, it has also affected the lives of many others who found themselves listed in this document without committing a crime.

The first problem is that through [this procedure](#)³, people are being stripped of their universal right of movement based on assumptions and speculations. Knowing that the general rule says that you cannot convict an individual based on intuition but rather on capability, the Tunisian authorities, namely, the Ministry of Interior should find a middle ground on how to restrict the flow of extremists' movement without violating the rights of other individuals.

The second problem is that individuals are being listed in this document because of name similarities. Some persons have found themselves unable to cross borders, travel through airports and/or move within local territories because they have similar names to other individuals listed as wanted suspects in terrorist crimes. The procedures of crossing their names out of this list has proven to take a long time because of needless bureaucracy. Therefore, this lack of efficiency is affecting the life of many individuals.

The last problem is that some relatives of convicted or suspected individuals in terrorist crimes are being listed in the document without being legally proved guilty of any crime mentioned in the Anti-terrorism and money laundering law. Being related to a person that has committed a terrorist crime, is by matter of law not enough of evidence to label an individual in any type of crime. Everyone is believed innocent until proven otherwise, by the power of law and order.

On the ground of these shortfalls, it is necessary and urgent to revisit the law and amend its provisions; keeping in mind that human rights are inherent for the future of Tunisian's stability.

The Dilemma of Security and Human Rights

Despite any confusion that might occur concerning these two terms, security and human rights are intertwined and interrelated. Therefore, to respect "human rights", governments should guarantee freedom from torture, the right to a fair trial, freedom of expression and freedom of assembly. However, these values are believed to aid terrorist organizations to achieve its objectives, which have created a conflict between the rule of law and human rights.

The first step to resolve this issue starts with a moderated State behavior based on a security consensus that not only protect the safety of people but also preserves their human rights. Counter-terrorism measures such as; arbitrary and indefinite detention, illegal proceedings, detention of non-violent dissenters as terrorist suspects and arbitrary execution violate fundamental values. Giving that terrorism flourishes in an environment of despair, political oppression and human rights abuse, State actors should embrace good governance and engage local communities in order to create a comprehensive strategy. This strategy should be inclusive and should respect international conventions and laws such as International Covenant on Civil and Political Rights (1966) that protects individuals from any abuse and/or discrimination based on gender, nationality, ethnicity, language, religion or social origins. It, also,

³ An investigative piece on the implications of the border procedure S17 conducted by Amel Mekki and published on Inkyfada's website.

emphasizes on the importance of the inherited right to life and to security that should be protected by law. The basis of the government approach should take into consideration the vital role of local communities and non-governmental organizations in re-building and re-shaping the trust between the State institutions and the citizens.

The notion of “human security” is built on providing the members of the commonwealth with “freedom from fear” and “freedom from want”, which entails eradicating poverty and social disparities, as well as, creating a safe and a just environment for economic growth, access to food and healthcare, next to guaranteeing personal security. These values are the very same values that terrorists are targeting through undermining human rights and the rule of law.

The coordination between security and human rights is proved to be a tough mission, however, not impossible. For instance, the Nigerian “deradicalization” [program](#) attempted to disengage and deradicalize former Boko Haram terrorist fighters, was a relatively successful experience despite the limitation imposed by politics and the people not accepting their integration into the local community. The government should first and foremost, put into consideration the best interest of its people through adopting good governance practices and engaging civil society and local community in the fight against terrorism, extremism and violent extremism.

Hailing Human Rights and Denouncing Radical Doctrines

Violating human rights undermines extremism mitigation efforts in many ways. By abusing human rights, the government entrenches frustrations and grievances. Which pushes many young people toward embracing extreme beliefs that tend to fulfill their desire for revenge.

Violating human rights will only pave the way for extremists to spread their propaganda in order to destroy social peace and harmony. Additionally, the abuse of power may lead to injustice which will affect the lives of law-abiding persons and deepen the gap between the State and its citizens. This sense of alienation will inevitably lead many to join these extreme movements.

A State of Order and Not A State of Avengers

As mentioned at the beginning of this article, extreme movements are established on exclusion and violence. Therefore, a fair State should be established on inclusion and peace and, in order to achieve that, official institutions should abide by the local and international laws that protect human rights.

The State of order should provide its citizens with social justice, economic prosperity and political integrity. It should preserve human rights and abandon archaic practices, which will help reinforce the citizens feeling

of belonging to national community. The submission of population to the will of their ruler and the unchallengeable concentration of power that Hobbes has given to the sovereign to maintain security is, undeniably the cornerstone of tyranny and the foundation of human rights abuse. These violations and abuses strengthen the propaganda of the extremist groups and help them promote their alternative State.

Justice, prosperity, diversity and equity should be guaranteed by the State and protected by the law. It is the duty of the State to ensure that civil liberties and human rights are protected and preserved. When the State and its institutions manage to achieve all the above, then it will be able to successfully prevent, mitigate and/or tackle extremism and violent extremism and, ultimately shatter the illusion of utopia created by these extremist groups.